

Message

From: David W. Nunn [dwnunn@eastmansmith.com]
Sent: 1/25/2016 6:31:43 PM
To: Ludmer, Margo [ludmer.margo@epa.gov]
CC: Doyle, James [Doyle.James@epa.gov]; 'Kevin C. Murphy (KMurphy@WladisLawFirm.com)' [KMurphy@WladisLawFirm.com]
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]
Attachments: LLC RD AOC EPA draft 9-23-15 and 12-24-15 with PRP comments ~`3367060`~....docx; LLC-RD-SOW-1_22_16.docx; LLC RD AOC EPA draft 9-23-15 and 12-24-15 with PRP comments - Clean Copy.DOCX

Margo,

Attached for your and Jim's review are redlined and clean versions of the LLC AOC with the PRPs' proposed revisions, and a clean version of the SOW (with prior comments/highlights left in place) that was reviewed and discussed by the parties last September.

As mentioned in my email on Friday to you, the PRPs imbedded EPA's proposed language for paragraphs 65, 89, and 93 into the last version of the AOC provided by Lauren Charney. The PRPs then created a clean copy of EPA's AOC which was revised (in red-line) to reflect the collective proposed changes of the 4 private parties and 3 public parties. Please note that the language for paragraph 89 that you provided was moved to paragraph 86 in the PRPs' revised AOC to maintain consistency with the ordering of paragraphs in prior drafts of the AOC. Please also note the PRPs have included a comment to paragraph 40 seeking clarification on the meaning of EPA's proposed language, but the PRPs have not proposed any alternate language pending EPA's response.

If acceptable to EPA, the representatives of the seven PRPs are in agreement that they will present the attached clean versions of the LLC AOC and SOW to their client's respective final decision-makers for review and approval, recognizing that the public entities in particular will require time to get this done.

David

From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Friday, January 22, 2016 4:49 PM
To: David W. Nunn; 'Kevin C. Murphy (KMurphy@WladisLawFirm.com)'
Cc: Doyle, James
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]

Kevin and David,

Let's plan to speak on Tuesday at 2pm. Please let us know the best number to reach you.

Thank you,
Margo

From: David W. Nunn [mailto:dwnunn@eastmansmith.com]
Sent: Friday, January 22, 2016 11:19 AM
To: Ludmer, Margo <ludmer.margo@epa.gov>; 'Kevin C. Murphy (KMurphy@WladisLawFirm.com)' <KMurphy@WladisLawFirm.com>
Cc: Doyle, James <Doyle.James@epa.gov>
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]

Margo,

The PRPs imbedded EPA's proposed language for paragraphs 65, 89, and 93 into the last version of the AOC provided by Lauren Charney last September. We then created a clean copy of EPA's complete AOC which everyone reviewed and commented on. We have circulated several drafts of the full AOC which incorporate the collective proposed changes of the 4 private parties and 3 public parties. We have also had several calls (including yesterday) to work through comments. A final draft was recirculated to the 7 parties this morning for final review, and Kevin and I have authority to send you the draft on Monday (after 12:00).

To further move things along, the PRPs also have asked all parties to re-review the last version of the SOW discussed last September between Arcadis and EPA's technical people to confirm its acceptability. We will also be providing you and Jim with a copy of this SOW on Monday.

Kevin and I are both available on Tuesday afternoon (after 1:30) to conference with you and Jim. If that does not work, please propose some alternate dates/times next week.

David

From: Ludmer, Margo [<mailto:ludmer.margo@epa.gov>]
Sent: Thursday, January 21, 2016 4:46 PM
To: David W. Nunn; 'Kevin C. Murphy (KMurphy@WladisLawFirm.com)'
Cc: Doyle, James
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]

Thank you, David and Kevin.

Jim and I can be available tomorrow to discuss the comments.

Margo

From: David W. Nunn [<mailto:dwnunn@eastmansmith.com>]
Sent: Tuesday, January 19, 2016 2:44 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Cc: 'Kevin C. Murphy (KMurphy@WladisLawFirm.com)' <KMurphy@WladisLawFirm.com>
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]

Margo,

There is still some last minute exchanges going on between the 7 PRPs (all the public entities were shut down yesterday). We are trying to get everyone on board for getting an AOC response to you by no later than end of this week.

David

From: Ludmer, Margo [<mailto:ludmer.margo@epa.gov>]
Sent: Wednesday, January 13, 2016 5:53 PM
To: David W. Nunn
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]

Great. Thank you for the update.

Regards,
Margo

From: David W. Nunn [mailto:dwnunn@eastmansmith.com]
Sent: Wednesday, January 13, 2016 12:52 PM
To: Ludmer, Margo <ludmer.margo@epa.gov>
Subject: RE: Lower Ley Creek RD AOC Follow Up [ES-LEGAL.FID1587432]

Margo,

The PRPs discussed the AOC last Thursday and have a follow up call tomorrow. I am hopeful that we will be able to respond shortly with our collective comments.

David

From: Ludmer, Margo [mailto:ludmer.margo@epa.gov]
Sent: Tuesday, January 12, 2016 9:25 AM
To: David W. Nunn
Subject: Lower Ley Creek RD AOC Follow Up

Hi David,

I am writing to follow up on the Lower Ley Creek Remedial Design AOC language that was sent to you on January 4, 2015. Please let me know where things stand with respect to your review of the new paragraphs. I am available to discuss by phone.

Thank you,

Margo B. Ludmer
Assistant Regional Counsel
U.S. Environmental Protection Agency
Office of Regional Counsel, Region 2
NY/Caribbean Superfund Branch
(212) 637-3187

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